

REMARKS

In the Office Action mailed August 23, 2004, claims 18-23 are pending in the application with claim 22 allowed and claims 18-21 and 23 rejected. Applicants further received a Notice of Draftsperson's Patent Drawing Review.

The Drawings

Applicants have corrected Figures 6 and 8 in response to the Notice of Draftsperson's Patent Drawing Review to eliminate erasures, alterations, overwriting, interlineations, folds and copy machine marks. Applicant has also amended Figure 16 to correct a typographical error.

In the Draftsperson's Patent Drawing Review it was further indicated that the numbers and reference characters are not plain and legible for Figures 1-14 and 16 under 37 CFR 1.84(m). Applicants believe the drawings meet all requirements under 37 CFR 1.84(m) and request the Draftsperson provide further specific instruction. It is noted that similar drawings were accepted as formal drawings for U.S. Patent Application No. 09/805,028.

The Specification

The Examiner has also objected to the Abstract under MPEP §608.01(b) since "the abstract describes an invention different from that in the claims." Applicants are unclear as to basis for this requirement, or how the present abstract is deficient. Surely the Abstract cannot describe every element of every invention covered by each claim of the application, as it is limited to 150 words. A suggestion by the Examiner as to how to improve the Abstract may be helpful.

However, Applicants respectfully submit that the current abstract meets the requirements of 37 C.F.R. §1.72, and follows the suggestions of MPEP §608.01(b).

Regarding the typographical error at page 3, lines 27, Applicants hereby correct the specification to refer to the proper numeral "36."

The Claims

The Examiner has rejected claims 18-21 and 23 by primarily relying on Takahashi et al., and Applicants have amended claims 18 and 23. Specifically, claim 23 now claims:

An emission control system for an internal combustion engine, comprising:

a NOx absorbent disposed in an exhaust passage of the internal combustion engine that stores and reacts NOx under certain operating conditions;

a NOx sensor disposed in the exhaust passage downstream of the NOx absorbent, an output of the NOx sensor corresponding to a NOx concentration of exhaust gas flowing out of the NOx absorbent;

a controller calculating an operating condition of the internal combustion engine and determining a difference of the output value of the NOx sensor from a predetermined value when preselected engine operating conditions are met and determining degradation of said NOx sensor based on said difference determined during said preselected conditions; and

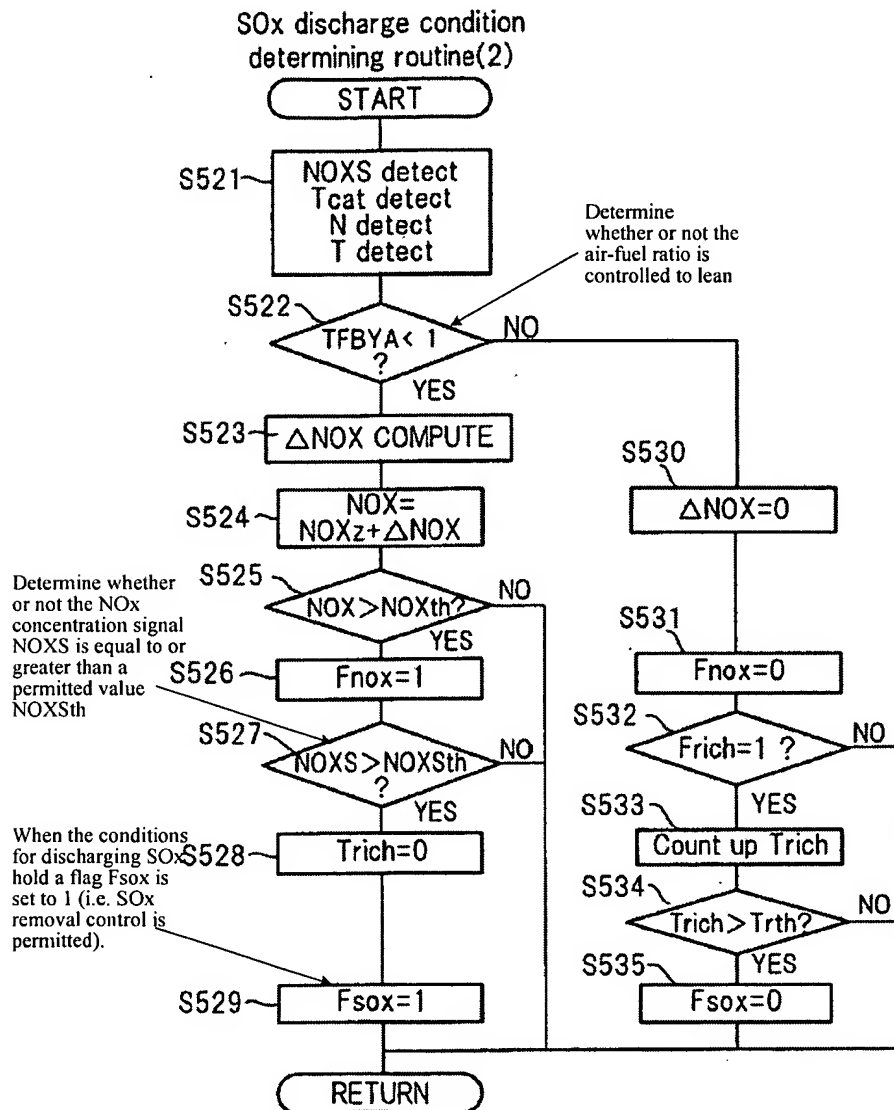
said controller further performing a sulfur decontamination process based on engine operating conditions.

In supporting the rejection of claim 23, the Examiner stated that Takahashi et al. show:

- a controller (11) calculating an operating condition of the internal combustion engine and determining a deviation of the output value (NOXS) of the NOx sensor from a predetermined value (NOXSt_{th}) (step S527) when preselected engine operating conditions are met (step S522 with YES answer);

Specifically, step S522 is shown in Figure 26, reproduced below with annotations. It shows that the NOx sensor reading (NOXS) is compared to a threshold value (NOXStH) for enabling sulfur

FIG.26



removal.

As such, Applicants respectfully submit that Takahashi et al. first fails to determine a difference of the output value of the NOx sensor from a predetermined value. Rather, as shown by

Figure 26 and the step cited in the Rejection, Takehashi et al. uses a comparison.

Further, Applicants respectfully submit that the comparison of Takehashi et al. is not used to determine degradation of a NOx sensor, but rather is used to enable sulfur removal.

The above also applies to Claim 18. Further, Applicants can find no mention of either limitation in Miyata et al. As such, all pending claims should be allowed.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505. A duplicate copy of this sheet is enclosed.

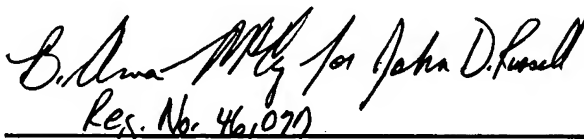
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 23, 2004.



Lauren Barberena

Respectfully submitted,


Reg. No. 46,070

John D. Russell
Registration No. 47,048
Customer No. 36865
of Attorneys for Applicant
200 Pacific Building
520 SW Yamhill Street
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

Amendments to the Drawings

The attached sheets of drawings include changes to Figure 6, 8 and 16. These sheets, which include Figures 6, 8 and 16, replaces the original sheets including Figures 6, 8 and 16.

Attachment: 2 Replacement Sheets